

8.6 Sickiness in the Family:

1. Sick leave may be granted by the sheriff, for the illness of a member of an employee's immediate family that requires the employee's personal care and attention. The sick days so granted under the above provision will be chargeable to the employee's accumulative annual sick leave or vacation leave.
2. Family and Medical Leave Act (FMLA): The sheriff's department will comply with all provisions of the FMLA and its subsequent amendments. The FMLA of 1993, with certain restrictions, provides eligible employees of covered employers with unpaid leave for up to twelve (12) work weeks in a specified twelve (12) month period for specific serious health conditions of the employee or of certain family members. An employee shall be eligible for leave under FMLA if he/she had been employed by the department at least a total of twelve (12) months and has worked for at least 1250 hours over the prior twelve (12) months. Generally, the FMLA provides as follows:
 - a. For the birth of a son or daughter or to care for the newborn child.
 - b. For the placement with the employee of a son or daughter for adoption or foster care.
 - c. To care for the employee's spouse, son, daughter, or parent with a serious health condition.
 - d. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.
 - e. Entitlement to leave as laid out above shall expire at the end of the 12 month period beginning on the date of such birth or placement. The 12 week period under sections c and d above shall begin with each employees first date of FMLA leave under these sections.
 - f. In the event that spouses are employed by the department, they are jointly entitled to only a combined total of twelve (12) work weeks of family leave for the birth of a child or the placement of a child for adoption or foster care, or to care fro a sick parent (but not a parent "in-law") who has
3. FMLA entitles eligible employees to take up to twelve weeks of unpaid job protected leave during the 12 month period specified above for the following family and medical reasons:

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a serious health condition. However, if the leave is to care for a sick child, for the serious health condition of each other, or for the employee's own serious illness, this limitation shall not apply.

4. Definition of "Serious Health Condition": For the purposes of FMLA, a "serious health condition" includes:

- a. An illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical facility.
- b. An illness, injury, impairment, or physical or mental condition that requires continuing treatment by a health care provider.
- c. Any work incapacity that requires absence of work for more than three (3) calendar days.

5. Notice Requirements:

- a. In any case where the necessity for leave is foreseeable based on an expected birth or placement, the employee shall provide the Personnel Clerk with not less than thirty (30) days notice before the date the leave is to begin, stating the employee's intention to take leave to begin. If the leave is to begin in less than thirty (30) days, the employee shall provide the longest notice practicable.
- b. In any case where the necessity for leave is foreseeable based on planned or elective medical treatment, the employee:
 - i. Shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the department, subject to the approval of the health care provider of the employee, or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate, and
 - ii. Shall provide the county with no less than thirty (30) days notice, before the date the leave is to begin, stating the employee's intention to take leave under the FMLA; except, if the treatment is to begin in less than thirty (30) days, the employee is to provide such notice as is practicable.
- c. If an employee has actual notice of the FMLA requirements and he/she fails to give thirty (30) days notice for foreseeable leave with no

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- d. reasonable excuse for the delay, the department may deny the employee FMLA leave until at least thirty (30) days after the date the employee provides notice to the county of the need for FMLA leave.
- e. The department will require periodic reports from an employee on FMLA leave regarding the employee's status and intent to return to work. If the employee provides a statement of intent to return to work, entitlement to leave and maintenance of health benefits continues. However, if the employee gives an unequivocal notice of intent not to return to work, the department's obligations to provide health benefits (except pursuant to COBRA requirements) and to restore the employee's job cease.
- f. Intermittent or Reduced Schedule: In certain situations, FMLA leave may be taken either intermittently or on a reduced schedule.
 - i. Family leave for childbirth, adoption, or foster care may not be taken intermittently or on a reduced schedule, unless the sheriff approves otherwise.
 - ii. Leave to care for a seriously ill family member, or for the employee's own serious health condition may be taken intermittently or on a reduced schedule whenever medically necessary.
- g. If an employee request intermittent leave or leave on a reduced schedule that is foreseeable, based on planned medical treatment, the department may require such employee to transfer temporarily to an available alternative position for which the employee is qualified and with equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular employment position.
- h. Only the time actually taken as FMLA leave will be charged against the employee's leave entitlement when leave is taken intermittently or on a reduced schedule.
- i. Medical Certification: The department may require a medical certification from a health care provider to support FMLA leave requests either to care for an employee's seriously ill family member, or for leave due to a serious health condition that makes the employee unable to perform the functions of his/her job. The employee must provide such certification in a timely manner. The regulations define "timely manner" as within 15 calendar days, unless it is not practicable to do so under the circumstances.

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j. The certification provided will be sufficient if it states:

- i. The date the serious health condition commenced;
- ii. The probable duration of the condition;
- iii. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
- iv. For purposes of leave to care for an immediate family member who is seriously ill, a statement that the employee is needed to care for the son, daughter, spouse or parent, and an estimate of the amount of time that the employee is needed to care for such son, daughter, spouse or parent;
- v. In case of an employee's own serious health condition, a statement that the employee is unable to perform the functions of the position of the employee; and
- vi. In case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

k. Job Restoration: Employee's, with the exception of certain highly paid "key employees", are entitled to be restored to the position held by the employee when leave commenced or to an equivalent position with equivalent benefits, pay status, and other terms and conditions of employment, subject to the following:

- i. An employee will not lose any employment benefits accrued prior to the date on which leave commenced;
- ii. An employee will not accrue any employment benefits during any period of leave; and
- iii. An employee will not be entitled to any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken leave.

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- l. A "key employee" is one who is salaried and is among the "highest paid 10 percent of the employees". The department may deny restoration to a "key employee" only when necessary to prevent substantive and grievous economic injury to department operations. The county may refuse to reinstate certain highly paid "key employees" after using FMLA leave during which health benefits are maintained. However,
 - i. The sheriff must notify the employee of his/her status as a "key employee" in response to employee's notice of intent to take FMLA leave;
 - ii. The sheriff must notify the employee as soon as the department determines that it will deny job restoration and explain the reasons for its decision;
 - iii. The sheriff must offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and
 - iv. The sheriff must make a final determination as to whether reinstatement will be denied at the end of the leave period of the employee then requests reinstatement.
- m. Substitution of Paid Leave: The employee may elect to substitute certain paid for FMLA leave.
 - i. Sick leave may be substituted for FMLA leave if such leave is for the employee's own serious health care condition; and
 - ii. Annual personal leave may be substituted for any FMLA qualifying purpose.
- n. An employee who elects to use paid leave should make a written request of his/her intention to use accrued paid leave. The employee should explain the reasons for the request and provide sufficient information for the county to determine that the leave qualifies under the FMLA and to designate the paid leave as substitution for all or some portion of the employee's FMLA leave entitlement.
- o. Continuation of Benefits: At the end of an employee's FMLA leave,

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benefits must be resumed in the same manner and at the same levels as provided when leave began, and subject to any changes in benefit levels that may have taken place during the period of FMLA leave affecting the department, unless otherwise elected by the employee. Upon return from FMLA leave, an employee cannot be required to re-qualify for any benefits the employee enjoyed before the FMLA leave began.

- p. The county is required to maintain, at the employee's expense, group health insurance coverage and life insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken, and on the same terms as if the employee had continued work.
- q. While an employee is utilizing FMLA leave, the department may insist that the employee pay for the continuation of insurance benefits. There is a 30 day grace period after the agreed upon date for payment within which the employee may make payment of the premium without affecting health care benefit coverage. If the employee does not make the payment within the 30 day grace period, the department may cease to maintain health coverage on the date the grace period ends.
- r. If an employee fails to pay his or her share of insurance premiums and the department elects to continue coverage for the employee by paying the employee's share, and the employee fails to return to work at the end of the FMLA leave period, the department may recover, in circumstances where recovery is allowed, all of the premiums it paid (both the county share and the employee's share) during the period of unpaid FMLA leave.
 - i. If the department chooses to continue coverage in this manner, the department is entitled to recover the additional payments made on behalf of the employee while on leave after the employee returns to work. An employee who does not return to work for at least 30 calendar days after his/her leave period has expired is considered to have failed to "return" to work for this purpose.
- s. An employee is not entitled to accrue any additional benefits or seniority during unpaid FMLA leave. Benefits accrued at the time leave began, however, will be available to an employee upon return to work.
 - i. With respect to pension and retirement benefits, any period of FMLA leave will be treated as continued service for purposes of vesting and eligibility to participate.

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ii. Benefits and credited service under the state PERS system will be governed by applicable state law.

t. Certification to Return to Work: As a condition to return to duty, an employee who is absent for such employee's own health condition must provide certification from the employee's health care provider that the employee is able to resume work.

8.7 Notification of Absence (Regular Paid Sick Leave):

1. Employees who are absent from duty due to illness will be expected to notify their supervisor of the necessity of such absence. If the employee is unable to provide such notice, he/she will be expected to have someone else notify their supervisor as to the reason for his/her absence from duty.

8.8 Annual Leave:

1. Permanent employees of the Washington County Sheriff's Department are eligible to earn credit for annual (vacation) leave as follows:

Continuous Service	Annual Accrual Rate
12 months- 10 years	10 days/80 hours
10 years- 15 years	15 days/120 hours
Over 15 years	20 days/160 hours

2. No vacation leave will be taken before it has been earned.

3. Annual leave may be used for vacations and personal business as scheduled by the Department Head and shall be taken within each current fiscal year. However, should an employee not take all of his annual leave earned each fiscal year, it shall become unused annual leave which may be accumulated without limit and shall be counted as creditable service for the purposes of the retirement system only as provided in Sections 25-11-203 and 25-13-5 of the Mississippi Code of 1972 as amended. Annual leave may also be used for an illness in the employee's immediate family. The immediate family is defined as spouse, parent, step-parent, sibling, child, step-child, grandchild, grandparent, son- or sister-in-law. Upon termination of employment each employee shall be paid for not more than the current fiscal year's unused annual leave.

4. It is the intention and policy of the sheriff that each employee shall take all vacation time they may become entitled to hereunder; however, in the event of

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emergency to the county and at the sole option and election of the sheriff or supervisor, an employee may forego or relinquish his vacation time, and in which event the department head or supervisor may re-employ said employee for such time as said emergency exists at a salary not exceeding twice said employee's usual salary for said time. In no event shall an employee be re-employed during his vacation time if the sheriff is of the opinion that the employment of a substitute is not eminently necessary.

5. Probationary, conditional, temporary, seasonal, and student employees are not eligible to earn annual leave.
6. As of January 1, 2005, in order for vacations to be granted, your request must be given to your supervisor three (3) weeks before the date you are requesting. It will be granted according to how many people have already been granted those dates. Your vacation shall be taken in one (1) week or two (2) week intervals. A one (1) day vacation may be granted on an emergency case by case basis. The Sheriff shall have the right to schedule and reschedule vacations so as to assure continuity in the departmental work schedule.
7. In the event two or more deputies on the same shift request the same vacation period, and the supervisor determines that only one of the employees may take vacation during that period, the employee having seniority shall have priority.
8. Except as otherwise mandated by state or federal law, the Sheriff shall have the right to modify the provisions of this section, including reducing the number of days, or fractions thereof accrued by Department employees, at the sole discretion of the sheriff as may, from time to time, become necessary or be determined to be in the Department's best interests. No employee shall be deemed to have any contractual or "property" rights in annual/personal leave, or the amount or use thereof.
9. Upon termination, employees will receive their accrued vacation only if they are in good standing, have given two (2) weeks notice, and have returned all county owned property.

8.9 Military Leave:

1. For the purposes of this regulation, "Armed Forces" are defined to include the Army, Navy, Marine Corps, Air Force, and Coast Guard. "Reserve Components" are defined to include the federally recognized National Guard and Air National

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Guard of the United States, the Officers Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve and the Coast Guard.

2. Permanent employees of the county who are members of the National Guard or any reserve component of the Armed Forces of the United States, shall be entitled to a leave of absence not to exceed fifteen (15) consecutive calendar days per year without loss of benefits during the time which they are engaged in the performance of official training duty in this State or in the United States under competent orders. Further, said employees, when ordered to active duty under Title 20 or Title 32, USC shall be entitled to reemployment in their previous position without penalty in rank or pay upon release from such duty. They may also be qualified to receive any raises, promotions or bonuses they would have received had they been working, as required by Title 18, USC.

8.10 Civil Leave:

1. Permanent, full-time employees of the department, who are required to serve as jurors, or to attend court or a coroner's inquest as a witness, may be excused from work with pay for the day or days in which they serve in such capacity.
2. A copy of the summons to report for jury duty or to serve as a witness in court or at a coroner's inquest may be presented by the employee to the sheriff prior to departure for such service, if possible. If, due to unusual circumstances, this procedure is not possible, the employee concerned will make it a point to notify the sheriff of his/her proposed absence at the earliest possible date. In such instances, a copy of the appropriate summons will be furnished by the employee to the sheriff when he returns to work.
3. If an employee is released from jury duty by the court at noon, or at any time prior thereto, on a regularly scheduled duty day, he/she will report to work within one hour after being released by the court.

8.11 Leave Without Pay:

1. Upon application in writing and upon recommendation of the employee's supervisor, a permanent employee may be granted a leave of absence without pay by the sheriff not to exceed six (6) weeks for the reason of personal illness in the immediate family, maternity, disability, or for other reasons acceptable to the sheriff. An employee granted leave without pay shall not be eligible to accrue annual and sick leave benefits, while off without pay, and the employee shall pay the total required insurance and retirement premiums.

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Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

MANDATORY MEETING

Date: 1/4/2010

**There are two mandatory meetings scheduled for
Thursday, January 7, 2010 at the Washington
County Sheriff Department Compound.**

Dispatch and Jail Personnel will meet at 1:30 p.m.

Patrol (all sworn deputies) will meet at 3:00 p.m.

Please be prompt.

Asst. Chief Billy Barber

Facilitator

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

MEMO

To: All Washington County Sheriff Department Employees

From: Assistant Chief Billy Barber

Date: 02/24/2010

Re: Drug Trend

This is a new drug known as strawberry quick. There is a scary thing going on in the schools right now that we all need to be aware of. There is a type of crystal meth going around that looks like strawberry pop rocks (the candy that sizzles and pops in your mouth). It also smells like strawberry and it is being handed out to kids in school yards. They are calling it strawberry meth or strawberry quick. Kids are ingesting this thinking that it is candy and being rushed off to the hospital in dire condition. It also comes in chocolate, peanut butter, cola, cherry, grape, and orange.

Please instruct your child not to accept candy from strangers and even not to accept candy that looks like this from a friend (who may have been given it and believe it is pop rocks candy) and to take any that they may have to a teacher, principal etc. IMMEDIATELY! Pass this on to as many people as you can, even if they don't have kids, so that we can raise awareness and hopefully prevent any tragedies.

Billy Barber,
Assistant Chief Deputy
Washington County, Mississippi

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

MEMORANDUM

March 22, 2010

TO: WASHINGTON COUNTY SHERIFF DEPT PATROL DIVISION

RE: COMPLAINTS

Complaints are to be prepared any time anyone is transported in a patrol vehicle on criminal circumstances, i.e. a witness, suspect, victim, or another relative nature, whether adult or juvenile.

One Reason: If a person transported alleges that something happened to them before, during, or after transport to Washington County Jail, what document have you provided to protect this agency and you? Rule of thumb: If it is not on paper, it did not happen. Therefore, you have no defense.

Additionally, when an incident involves a school function, whether on the school grounds or another location, the reporting deputy is responsible for notifying the appropriate school officials of the juveniles involved on the next available school day without fail.

Please refer to your policy manual 2.11 on page 6, 2.19 on page 7, the last paragraph prior to "special notifications" on page 30, and # 37 on page 71.

Please also refer to your policy manual for discipline measures accordingly.

Professionalism in our department is always our goal. Therefore, I hope that you will help in those means by simply following guidelines.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Billy Barber", with a long horizontal flourish extending to the right.

Billy Barber

Assistant Chief

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

MEMORANDUM

April 12, 2010

TO: PATROL & INVESTIGATIONS DIVISIONS

RE: SERVICING VEHICLES

Adjustments are necessary concerning the mandatory servicing of your patrol vehicles. In particular, the concern is an overflow of vehicles brought in for service nearing the 4:00 p.m. hour.

Please consider that there is only one mechanic on duty at 4:00 p.m., and any assistance that he may have, leaves at that time. Therefore, several county vehicles cannot be serviced within that one remaining hour.


For this reason, we provide you with three options for obtaining your vehicles mandatory service.

1. Have your vehicle for service at the compound by 3:00 p.m.,
2. Bring the vehicle in on your days off for servicing; or
3. Leave your vehicle at the compound on your days off for servicing.

Any of the three options chosen will help improve our vehicle maintenance concerns.

Professionalism in our department is always our goal. Following guidelines will help towards that goal.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Billy Barber".

Billy Barber
Assistant Chief

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

MEMORANDUM

May 18, 2010

TO: WASHINGTON COUNTY SHERIFF DEPT PATROL, INVESTIGATION & DISPATCH DIVISION

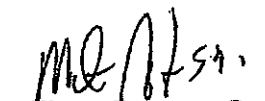
RE: ROAD CLOSURE AND TIMELY RESPONSE

When roads are closed for maintenance or repair, the notices are posted for the benefit of emergency response personnel to prepare pre-planned routes. Deputies should take the *road closure* notice and familiarize themselves with the area surrounding the road closure in the event of a call or emergency response required for that area. With this preparation, you automatically take the secondary access surrounding the location to ensure proper response time.

Likewise, the dispatchers should also be abreast of the road closures and dispatched locations enough to refresh the deputies' memory, aiding in effective response time.

Patrol cannot exist without dispatch; likewise, dispatch cannot exist without patrol. So, please work together to provide our optimum goal - protecting and serving the citizens of Washington County.

Respectfully yours,


Milton Gaston, Sr.
Sheriff

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

MEMORANDUM

From: Sheriff Gaston

Date: May 25, 2010

To: All Washington County Sheriff Department Dispatch Personnel

RE: **DISPATCHING TO ANY CALL**

When considering whom you should dispatch to a call, no matter the nature, a dispatcher's only concern should be whether or not the on-duty patrol person is on another call. In other words, every full-time on-duty deputy from any division, is available for any nature of call.

Earnestly,

M. Gaston, Sr.
Milton Gaston, Sr.
Sheriff

Donna Cook
Sherry Singleton
Nathalie Jackson
Alvin Moore
Yelena Page
Latinda Masaniel
Annita McClammy
Marsha Sullivan
Kim Brown

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

MEMORANDUM

From: Sheriff Gaston

Date: June 4, 2010

To: All Washington County Sheriff Department Dispatch and Patrol Personnel

RE: **INITIAL 10-38 PROCEDURE FOR 10-28 AND 10-27**

When any deputy checks out on 10-38, automatically, another deputy should start in the 10-38 direction. Before the deputy gets out of his/her patrol vehicle, dispatch should be given to record as much identifying information as possible; i.e., license plate (if no license plate, the vehicle make, model, color, and any other noticeable descriptors), how many occupants, gender of occupants, race of occupants, etc.

Once the 10-28 is given, the dispatcher is to immediately run the 10-28 and check it for stolen information. After the dispatcher has determined that the vehicle is not stolen (negative 10-29), the dispatcher will have the information available when the deputy calls for it.

If the vehicle is stolen, the deputy on the 10-38 is not to be alarmed, so as to lose control or thought of his/her taught safety procedures while on 10-38.

Once the 10-38 deputy calls back for his/her 10-28 information, the deputy should not be within occupant's (s') distance to allow them to hear the radio traffic. At which time, the 10-29 information can be provided. This allows for additional safety precautions.

Another option to this matter is for the deputy to remain in his vehicle after radioing 10-38, provide and retrieve his/her 10-38 information.

Whichever option chosen, the dispatcher is not to immediately respond with 10-28 information until the deputy requests it. The same request is made when providing 10-27 information. The dispatcher's efficiency is appreciated, however safety is the concern.

Earnestly,

A handwritten signature in dark ink, appearing to read "M. Gaston".

Milton Gaston, Sr.

Sheriff

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

June 11, 2010

Memo to all Personnel:

Authority Assistant Chief Barber, this department does prepare accident reports even if the incident occurs on private property. We have had quite a few property damage complaints done lately instead of the Mississippi Uniform Crash Report.

AS OF TODAY 7/2/10 WHEN YOU NEED TO INQUIRE IF A CHILD

SHOULD BE ARRESTED AND TAKEN INTO CUSTODY, DO NOT

CALL JUDGE JOHNSON. YOU CALL MRS BENFORD WITH YOUTH

COURT. HER CELL PHONE # IS 347-6621. IF YOU CAN NOT

REACH HER ON HER CELL PHONE CALL HER HOME PHONE #332-

7721.

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

MEMORANDUM

August 26, 2010

TO: WASHINGTON COUNTY SHERIFF DEPT DISPATCH DIVISION

RE: TELEPHONE ETIQUETTE

The proper and only acceptable procedure for answering the public telephone line here at Washington County Sheriff Department is "Washington County Sheriff Department, Dispatcher (provide your name) speaking. How may I help you?"

This matter has been addressed once before. However, please consider you're your final warning. Anyone found in violation of this order from this date forward will be reprimanded.

Professionalism in our department is always our goal. Therefore, I hope that you will help in those means by simply following guidelines.

Respectfully yours,

Billy Barber

Billy Barber

Assistant Chief

Maisha Sullivan

Kim Braun

Donna Crook

Patricia Owens

Shelene McDonald

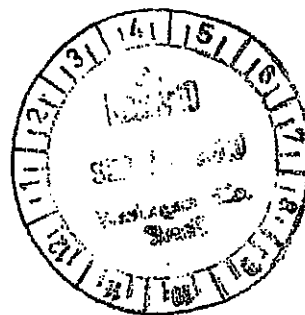
Sherry Singleton 08-27-2010

Mitch McManis

Felicia Page



STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
CHRISTOPHER B. EPPS
COMMISSIONER



September 7, 2010

Sheriff Milton Gaston
Greenville Police Department
903 West Alexander Street
Greenville, MS 38701

Dear Sheriff Gaston:

Re: Use of State Inmate Workers

The Mississippi Department of Corrections (MDOC) has experienced two separate, serious incidents where CWC inmates who were assigned to law enforcement agencies have gained access to sensitive restricted evidence rooms containing illegal drugs, fire arms, ammunition, and/or other items classified as contraband. Due to the public safety interests that we all share in the law enforcement field, it is necessary for MDOC to implement a policy whereby **no state inmate will be allowed to enter an evidence room at any time for any reason.** I ask for your cooperation in this matter.

Please sign the attached form acknowledging that you understand and agree to abide by this policy. Without receipt of this acknowledgment, MDOC will be forced to remove the inmate work crew assigned to your agency, effective Monday, September 20, 2010.

Should you require further information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher B. Epps".

Christopher B. Epps, Commissioner
Mississippi Department of Corrections

PC: File

"DO'S AND DON'TS" WHEN ARRESTING STATUS OFFENDERS

The following is a list of **"Do's and Don'ts"** when taking a juvenile into custody. Adhering to these standards can help to minimize liability issues.

If you're an adult jail or lockup...

- ♦ When status offenders are taken into custody they must **always** be held **nonsecurely** until release or transfer.
- ♦ Juveniles are **always** held in an unlocked multipurpose area such as an office, break room, report room, etc.
- ♦ **Never** secure juveniles to any stationary objects, such as a cuffing rail, cuffing bench, or placed in a cell or drunk tank.
- ♦ **Never** should the area be designed or intended for residential (overnight) purposes.
- ♦ There should **always** be continuous visual supervision of juveniles.
- ♦ **Always** use the unlocked area to provide **nonsecure** custody only long enough for identification, processing, release to parents or arranging transfer to an appropriate juvenile facility or court.
- ♦ **Always** remember that the following are considered **status** offenses under state and/or federal law: Child in Need of Supervision (C.H.N.S.), runaways, out-of-state runaways, illegal aliens, violation of curfew, ungovernable behavior, incorrigibles, possessing or drinking alcoholic beverages and truancy.
- ♦ **Never** should regular contact with adult offenders be allowed, thus adults and juveniles should never be allowed to see or speak to one another (**sight and sound separation**).

These mandates are found under state and federal law: MS code 43-21-301, 43-21-315, and P.L. 93-415, 42 U.S.C. 5601 et. Seq., the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended.

This handout provides a brief summary and overview of the "Do's and Don'ts" of law enforcement officials regarding issues frequently posed to the staff of the Division of Public Safety Planning pertaining to state laws and federal mandates of the JJDP Act of 1974, as Amended.

For further information, please contact.



Mississippi Department of Public Safety Planning
A Division of the Mississippi Department of Public Safety

MISSISSIPPI

SAMPLE
LAW ENFORCEMENT
JUVENILE CUSTODY POLICY AND PROCEDURE

It will be the policy of the (YOUR AGENCY) Department to handle juvenile offenders in a manner consistent with the Mississippi Juvenile Code and the Federal Juvenile Justice and Delinquency Prevention Act of 2002, as amended. To abide by the recent updated rules, the following procedures will be followed:

A. Statement of Purpose

All juveniles taken into custody by this department shall be treated in manner which provides for the safety of all concerned, respect for human dignity, the preservation of legal rights and property of the individual, accurate documentation and administrative efficiency. Juveniles, those persons under the age of eighteen, require special consideration due to State law and Federal regulations.

B. Policy

This policy addresses the secure and non-secure custody of juveniles. Secure is defined as hardware or construction fixtures designed to physically restrict the movements and activities of persons in custody, e.g., secure perimeter, cells (whether or not the door is closed), lockable rooms, or handcuffing to a stationary object. Non-secure is custody where physical restriction of movement is provided solely through law enforcement staff (the juvenile may be handcuffed to him or herself, but not to a stationary object).

Definitions

1. **Juveniles**- Any person under the age of eighteen (18) years, except those accused of crimes that do not come under the jurisdiction of the youth court.
2. **Status Offense**- Any offense committed by a juvenile which would not, under law, be an offense if committed by an adult. Examples are Runaways, curfew violators, underage drinking, underage possession of alcohol/tobacco, truancy, etc.
3. **Non-offender**- Any juvenile who has not committed any offense. e.g., a dependent, neglected, or abused child or a juvenile picked up on a mental health hold with no delinquent charges.
4. **Delinquent Offense**- Any offense committed by a juvenile that has committed a crime that would also be a crime if committed by an adult.

Arrest and Detention

1. **In cases where a juvenile is placed in secure custody, all of the following requirements must be satisfied:**
 - (a.) The secure area must be sight and sound separated from incarcerated adults, including trustees. Juveniles may not see, hear, or touch an incarcerated adult.
 - (b.) There may be no adults being processed in the holding area when juveniles are present. Time phasing (using the same area for juveniles and adults, just not at the same time) is permitted and must be supported with policies and

2. The arresting officer will attempt to make contact with a parent or guardian of the juvenile offender upon arrival at the law enforcement agency if they have not already been contacted.
3. Juveniles taken into custody for Status offenses will be held in an unsecured area at the police station if there is such an area available.
4. All juveniles detained by the (YOUR AGENCY) shall be kept SIGHT AND SOUND SEPERATED FROM ADULT INMATES AND TRUSTEES AT ALL TIMES This includes: while being booked, and/or detained by the police department; or other locations while in custody.
5. For the protection of a violent juvenile and/or department personnel, a violent juvenile may be at the discretion of the shift supervisor, be temporarily secured in a holding room. Sight and Sound Separation from any adult prisoner must be maintained at all times.

Violations Occur When

1. A status offender or non-offender is placed in a secure setting (counts as two violations, one under Deinstitutionalization of Status Offenders and one under Jail Removal.
2. A delinquent is held over 6 hours.
3. Any juvenile is held within sight and sound contact of an incarcerated adult.
4. A delinquent returning to the jurisdiction for a court appearance is held over 6 hours prior to the court appearance or for 6 hours following the court appearance.
5. Any juvenile is held for punitive purposes or for purposes unrelated to processing.

"DO'S AND DON'TS" WHEN ARRESTING DELINQUENT OFFENDERS

The following is a list of "Do's and Don'ts" when taking a juvenile into custody. Adhering to these standards can help to minimize liability issues.

If you're an adult jail or lockup...

- ♦ Juveniles accused of committing *criminal-type (delinquent)* offenses should **never** be held securely in an adult jail or lockup in excess of six (6) hours for processing purposes.
- ♦ **Never** should regular contact with adult offenders be allowed, thus adults and juveniles should never be allowed to see or speak to one another (*sight and sound separation*). This separation may be achieved through time phasing use of an area to prohibit simultaneous use by juveniles and adults.
- ♦ **ALWAYS** remember that practice makes perfect. A policy of nonsecure custody for *all types* of juvenile offenders will ensure that your department complies with state and federal laws in the handling of juvenile offenders.
- ♦ Remember that the following are **always** considered nonsecure custody: Juveniles are **always** held in an unlocked multipurpose area such as an office, break room, etc.; **never** secure juveniles to any stationary objects, such as a cuffing rail, cuffing bench, or placed in a cell or drunk tank; **never** should the area be designed or intended for residential (overnight) purposes; and there should **always** be continuous visual supervision of juveniles.
- ♦ **Always** develop written departmental policies and procedure for handling juveniles.

These mandates are found under state and federal law: MS code 43-21-301, 43-21-315, and P.L. 93-415, 42 U.S.C. 5601 et. Seq., the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended.

This handout provides a brief summary and overview of the "Do's and Don'ts" of law enforcement officials regarding issues frequently posed to the staff of the Division of Public Safety Planning pertaining to state laws and federal mandates of the JJDP Act of 1974, as Amended.

For further information, please contact:



Mississippi Department of Public Safety Planning
A Division of the Mississippi Department of Public Safety

ZACH PATTIE
Mississippi State Police

MISSISSIPPI

with no delinquent charges.

3. Status offenders and non-offenders may not be placed in secure custody, handcuffed to a stationary object or cuffing rail/bench, placed in a holding cell, or placed in a locked room. They may be cuffed to themselves.
4. Status offenders shall be placed in a non-secure area that is sight and sound separated; the lobby, an office, interview room or general purpose room (only if these places are not within a secure perimeter such as all entrances to the building have keyed locks on both sides of the door or other lockable devices that restrict an individual without a key or any other type of access to the outside), until release arrangements can be made and the juvenile leaves the facility.
5. The officer shall notify the parents, the youth court, a legal guardian, a responsible adult, or an appropriate agency after taking the juveniles into custody for notification and release purposes.
6. If no responsible adult or agency can be located within a reasonable amount of time, the juvenile shall be taken to the designated juvenile detention facility and the youth court officials notified.
7. If the department only has a secure booking area, and no non-secure booking area within any area of the facility, the status offender may be booked in the secure area provided that:
 - a. There is an officer with the juvenile at all times during the booking process; and
 - b. There are no adults in the booking area;
 - c. Once the booking is completed, the juvenile is removed immediately and does not languish in the booking area for any period of time.

Accused Delinquents

1. Accused delinquents are juveniles that have committed a crime that would also be a crime if committed by an adult.
2. It is the preference of federal mandates to detain accused delinquents non-securely while in custody. Exceptions include violent or combative juveniles who cannot be subdued and pose a threat to the officer or themselves. The safety of the juvenile, officers and others must be taken into consideration. Accused delinquents charged with serious misdemeanors or any felony that cannot be subdued and/or pose a threat to the officer or themselves may be held in secure custody sight and sound separated from any adult prisoner(s). Those exceptions must be documented.
3. For transport purposes, accused delinquents may be handcuffed to themselves.
4. An accused delinquent, when brought to the department, shall be booked and arrangements shall be made to release to a parent, responsible adult, or other agency, or juvenile detention facility within six (6) hours. A delinquent juvenile can be detained for up to 6 hours in a sight and sound separated area for processing purposes only.
5. Once the 6-hour clock starts, it cannot be turned off until the juvenile is permanently removed from the secured setting. For example, placing a delinquent in a secure

910 Courthouse Ln
Suite B
Greenville, MS 38701
Office (662) 335-1945
Fax (662) 335-1161
dburford@co.washington.ms.us



Memo

To: Washington County Radio System Users

From: David Burford

CC:

Date: September 8, 2010

Re: Radio System Site Analysis

The Washington County Board of Supervisors has authorized and ordered a Radio System Site Analysis of the county's Trunking Radio System.

The analysis will be conducted on Tuesday, September 14 between the hours of 3:00 AM and 6:00 AM.

There will be two (2) 15 minute periods when the system will not be able to transmit and receive. The best effort will be made to perform this part of the analysis between the hours of 5:00 AM and 6:00 AM.

PLEASE MAKE ARRANGEMENTS TO HANDLE YOUR COMMUNICATION NEEDS DURING THIS TIME VIA CELL PHONE OR OTHER BACKUP COMMUNICATION SYSTEM.

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

MEMORANDUM

October 28, 2010

TO: ALL UNIFORM PERSONNEL

RE: UNAUTHORIZED CLOTHING ALLOWANCE PURCHASES

We notice that items or accessories other than what is required for uniform are being purchased under your clothing allowance. This is not permitted. Your uniform consists of uniform shirt, uniform pants, belt, jackets, and boots.

You may not purchase shoes, handcuffs, holsters, flashlights, etc. with your clothing allowance. Purchases such as these are to be at your own expense. Additionally, we initially provided those having a necessity for handcuffs and flashlights with them.

We expect that you will correct this problem and adhere to this directive immediately.

If you have any questions or are uncertain about an intended purchase, please obtain prior approval from Asst. Chief Barber; otherwise, you may have to make an immediate return or refund.

Sincerely,

A handwritten signature in black ink, appearing to read "Asst. Chief Barber".

Billy Barber

Assistant Chief

A handwritten signature in black ink, appearing to read "Milton Gaston, Sr.".

Milton Gaston, Sr.

Sheriff

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

MEMORANDUM

November 9, 2010

TO: WASHINGTON COUNTY SHERIFF DEPT JAIL & DISPATCH DIVISIONS

RE: DISPENSING MEDICATION

Your procedures for dispensing medication to inmates are as follows:

Any medication given to an inmate must be documented on your medication log sheet. The sheet makes provision for the jail officer to write the name of the medication given, the number of pills given, the time given, the offender's name, the providing officer's name, and the reason for medication (whether providing as prescribed or identify offender's ailment if non-prescribed). Additionally, the inmate should initial for having received the medication.

Jail Officers will not ever give inmates/offenders bottles of medication (whether prescribed or non-prescribed).

Jail Officers will provide the inmates/offenders with water prior to handing them their dosage of medication. The Jail Officers will remain present with the inmates/offenders until the inmates/offenders have swallowed their medication. The Jail Officers will have the inmate to open his/her mouth and lift tongue to confirm that the inmate has properly taken their medication.

If the inmate will not comply with taking his/her prescribed medication, the Jail Officer will document such on the medication log sheet as "P/R" in the first column indicating prescribed medication refused and complete a departmental complaint. The inmate should still sign the sheet, indicating he/she refused. Only if he/she refuses to sign, the Jail Officer shall indicate such in the "Inmate Signature" column.

To assist you in effectively carrying out your duty, attached is an approved sample medication log sheet. In the first column, you should write "P" if you will be dispensing prescribed medication to the inmates/offenders or "N" if the medication is non-prescribed, but provided for a minor ailment.

Respectfully yours,


Milton Gaston, Sr.
Assistant Chief

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

Memorandum

To: All Deputies
From: Sheriff Gaston
Date: 11/9/2010
Re: Civil Process Papers

No previous infraction is necessary to receive suspension without pay for failing to turn your Civil Process Papers in by their deadline/court date.

Trust that professionalism in our department is always our goal. Therefore, I hope that you will help in those means by simply following guidelines.

Sincerely,

A handwritten signature in black ink, appearing to read "Milton Gaston Sr.", written in a cursive style.

Milton Gaston, Sr.

SHERIFF

WCM-274

[illegible]

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

Memorandum

To: All Deputies
From: Sheriff Gaston
Date: 11/23/2010
Re: Tour of Duty

Shift Sergeants and/or Commanding Officers are to report for duty no later than 30 minutes before the shift's tour of duty begins. This prepares you to brief your shift of any patrol concerns, complaints, etc.

Our goal is to deter and/or hinder crime as much as possible. To do this, we must make a collective effort.

Please note that each memorandum is considered to be an insertion to your policy and procedures.

Sincerely,

Milton Gaston Sr.
Milton Gaston, Sr. *SG*
SHERIFF

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

Memorandum

To: All Deputies
From: Sheriff Gaston
Date: 11/23/2010
Re: Escorts

The proper execution of a security escort is as follows:

1. Exit the patrol car and enter the building for which the escort is required.
2. Make contact with the person requiring the escort. At this point, it should not have to be said that you greet him/her, identify yourself, and inform him/her that you are their escort.
3. Escort the person to and from your patrol unit at the beginning and ending destination.

Please note that each memorandum is considered to be an insertion to your policy and procedures.

Sincerely,

Milton Gaston, Sr. *AB*
SHERIFF

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

Memorandum

To: All Deputies
From: Sheriff Gaston
Date: 11/23/2010
Re: Exiting Patrol Units

No previous infraction is necessary to receive suspension without pay for failing to inform dispatch that you are exiting your vehicle.

Please note that each memorandum is considered to be an insertion to your policy and procedures manual.

Trust that professionalism in our department is always our goal. Therefore, I hope that you will help in those means by simply following guidelines.

Sincerely,

Milton Gaston Sr.
Milton Gaston, Sr. *bb*
SHERIFF

Washington County Sheriff's Dept.

Greenville, Miss. 38702-0786

MILTON GASTON, SR., Sheriff



P.O. Box 786
Phone (662) 334-4523
Fax (662) 334-2764

Memorandum

To: All Deputies
From: Sheriff Gaston
Date: 12/14/2010
Re: Reporting to Duty

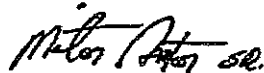
Because there seems to be an issue with reporting to duty fifteen (15) and thirty (30) minutes before the scheduled work hour in the Patrol Division, I am making this amendment to this policy directive as such:

All deputies are required to report to duty as scheduled. Reporting "to" duty means to be in the Washington County Sheriff Department at your scheduled time. Tardiness begins at "one (1)" minute after the hour you are scheduled for duty and are not in the station. Therefore, he/she is subject to disciplinary consequences outlined in the department's policy and procedures manual. Furthermore, the sum of the deputy's time of tardiness may be deducted from your rate of pay at the close of the month's pay period. Additionally, each infraction will carry its consequences according to the discipline and accountability policy, inclusive of yielding discipline as severe as suspension and/or termination.

Please note that each memorandum is considered to be an insertion to your policy and procedures manual.

Trust that professionalism in our department is always our goal. Therefore, I hope that you will help in those means by simply following guidelines.

Sincerely,

The signature is written in cursive and appears to read 'Milton Gaston Sr.'.

Milton Gaston, Sr.
SHERIFF